IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION.

CRIMINAL APPLICATION NO.3296 OF 2004

Akhtar Kasamali Merchant, .. Applicant.

Vs

The State of Maharashtra, .. Respondent

Mr K.M.Jena i/b Mrs Anuradha A.Mane, for the applicant.

Mr. R.Y.Mirza, APP for the respondent.

CORAM : D.B.BHOSALE,J.

DATE : 30th AUGUST, 2004.

PC:

1. Heard Mr.Jena, learned counsel for the applicant and Mr.Mirza, learned A.P.P for the respondent.

2. Mr.Jena, learned counsel for the applicant, at the outset, submits that the applicant be given liberty to apply for bail afresh before the Sessions Court on parity since the other accused, who are similarly placed, have been released on bail after rejection of the applicant's prayer for bail by order dated 29.7.2003. It appears that the four applications had been rejected by the Sessions Court by order dated 29.7.2003. According to Mr Jena, the other similarly placed accused have been granted bail by the Sessions Court after 29.7.2003. Keeping that in view, this

application is allowed to be withdrawn with liberty as prayed for.

. Let me make it clear that while granting the liberty, I have not examined merits of the case. The Sessions Court shall deal with such application on merits in accordance with law.

(D.B.Bhosale,J.)